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UNITED STATES DEPARTMENT OF AGRICULTURE  
PRODUCTION AND MARKETING ADMINISTRATION  
Washington 25, D. C.

Number 76  
January 27, 1947

PROCEDURE TRANSMITTAL

NOTICES

STANDARDIZATION OF CONTRACT PROVISIONS AND CONTRACTING OPERATIONS: In order to effect standardization of contract provisions and contracting operations wherever practicable within PMA, the Assistant Administrator for Fiscal and Inventory Control has been authorized to coordinate the development and use of standard contract forms and methods other than contracts involving administrative funds and cooperative agreements within PMA.

PERSONNEL CIRCULAR NO. 107: Many offices have been requesting bulk supplies of Personnel Circular No. 107. Since the supply of this circular is limited and since a PMA Instruction covering leave regulations will be published in the very near future, bulk supplies of Personnel Circular No. 107 will not be distributed. When the PMA Instruction is published extra copies may be obtained from the appropriate Administrative Services Division.

NEW RELEASES

ADMINISTRATIVE  
NOTICE NO. 44  
1-22-47

ORGANIZATION CHANGES IN FISCAL BRANCH: Transfers export billing and general supply program accounting functions from the Program Accounting Division, Fiscal Branch, to Area Fiscal Office, New York, N. Y. (This notice was distributed separately.)

AN # 45  
1-23-47

TRANSFER OF ADMINISTRATION OF COMMODITY EXCHANGE ACT: Administration, personnel and property of the Commodity Exchange Act have been transferred from PMA and established as the Commodity Exchange Authority in the Office of the Secretary with Mr. J. M. Mehl as Administrator.

Designates Mr. William H. Duggan as Acting Director of the Compliance and Investigation Branch, effective February 1, 1947.

315.3  
(Supersedes 315.3 dated 6-17-46)  
1-15-47

RESIGNATIONS: Revised to incorporate changes in procedure for handling resignations. Explains when resignations are required, how effective dates are determined and what information should be furnished employees who resign.  
REMOVE from the Manual Instruction 315.3 dated 6-17-46.

USDA FARM SECURITY ADMIN.  
ADMINISTRATIVE ANALYSIS DIV.  
CHIEF

PMA-A-36  
3-20-46

CHANGES

- 128.13                    ANNOUNCEMENT OF SURPLUS PROPERTY SALES: Exhibit B has been revised to improve the conduct of surplus property sales. Remove old exhibits A and B from the Manual. Insert the attached exhibits.
- 129.3                    PROCEDURE FOR WAR CONTRACT TERMINATIONS, SETTLEMENT OF TERMINATION CLAIMS AND DISPOSITION OF CONTRACTOR INVENTORY. Delete paragraph XIII REPORTS. Transactions under War Contract Terminations have nearly ceased, and there is no longer a need for reporting the status of such transactions.

TRANSFER OF ADMINISTRATION OF COMMODITY EXCHANGE ACT

The Secretary has issued Memorandum No. 1185 transferring the administration of the Commodity Exchange Act from the Production and Marketing Administration to the immediate Office of the Secretary.

Pursuant to Secretary's Memorandum No. 1185, a Commodity Exchange Authority has been established under the direction and supervision of an Administrator. Mr. J. M. Mehl has been appointed Administrator. All functions relating to the enforcement of the Commodity Exchange Act have been transferred to the Commodity Exchange Authority. All personnel and property now used in the work primarily concerned with the administration of the Commodity Exchange Act and such funds as have been appropriated for the purpose of carrying out that act have been transferred from the Production and Marketing Administration to the Commodity Exchange Authority. Secretary's Memorandum No. 1185 becomes effective February 1, 1947.

Mr. William H. Duggan is hereby named as Acting Director of the Compliance and Investigation Branch, effective February 1, 1947.

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RESIGNATIONS

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Personnel  
Employment  
Separation

#### I DEFINITION

When an employee voluntarily leaves the Federal service, except by retirement or abandonment of position, his action is termed a resignation.

#### II FORM OF RESIGNATION

Where an employee wants to resign from his position in PMA he shall give reasonable notice of his intention, and shall submit his resignation on Form AD-39. An employee cannot be required to give reasons for AD-39 resigning. When the employee submits his resignation but does not state his reason for resigning, the Form AD-157, "Recommendation for Personnel Action," should be submitted at once along with the resignation to the appropriate personnel office. It should not be delayed while attempting to obtain the reasons from the employee. The personnel action shall indicate that the employee has refused or failed to give reasons. However, further efforts will be made by the personnel office to obtain the reasons for record purposes. A resignation by letter or telegram is acceptable when circumstances make it impracticable to submit AD-39. The appropriate Personnel (PE) Division will determine whether the circumstances in an individual case warrant the acceptance of an oral resignation.

#### III SPECIAL CASES WHICH ARE CONSIDERED RESIGNATIONS

Resignations are required in the following cases:

A An employee does not return to duty at the end of an authorized period of annual leave, sick leave, or leave without pay.

B An employee does not return to duty after furlough without pay when he has been asked to return.

C An employee leaves his position without giving notice. (In the cases listed above, if resignation is not submitted in 15 days, the employee is considered to have abandoned his position. See PMA Instruction 325.1, "Discipline.")

#### IV RESIGNATION OF EMPLOYEES NOT IN GOOD STANDING

Employees not in good standing or who may be guilty of delinquency or misconduct may submit their resignations. However, they may not be "requested" to do so. This does not mean that a supervisor cannot give advice to an employee not in good standing concerning his resignation, if he is requested to do so by the employee.

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RESIGNATIONS

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## V EFFECTIVE DATE OF RESIGNATIONS

A General Rule - In view of the requirement that lump-sum payment be made for accrued annual leave upon termination of Federal service, the resignation submitted by an employee while on active duty will be effective as of the last day of active duty. However, in the event that the last day of duty falls at the close of business on Friday, the employee at his request may be continued on the rolls through Saturday or Sunday (nonwork days) if he would otherwise be deprived of leave accrual for that period.

B While on Annual Leave - If an employee resigns while on annual leave, the date of resignation from the service may be fixed administratively to coincide with the termination date of the payroll period current when notice of the resignation is received in the administrative office. In such a case, lump-sum payment would be made for any leave extending beyond that date. If the employee does not have sufficient annual leave to carry him to the end of that current payroll period, he may be carried on the regular payroll until the expiration of his accrued annual leave.

C While in Nonpay Status - When an employee resigns while in a non pay status, the effective date of the resignation shall be the last day of the employee's designated period in a nonpay status or the date upon which he tenders his resignation. However, when an employee resigns in lieu of restoration after military service, the effective date of resignation shall be fixed as of the date of discharge or separation from the armed forces or merchant marine.

D While on Sick Leave - If an employee resigns while on sick leave, the effective date of his resignation shall be the last day of approved sick leave.

## VI CLEARANCES REQUIRED FOR ACCEPTANCE OF RESIGNATIONS

Before transmitting resignation actions to the appropriate PE Division for acceptance, supervisory officials are responsible for determining whether the employee concerned is indebted to the government for property, fiscal advances, unaccrued leave, and so forth, and shall take whatever steps are necessary in connection with final salary payments to protect the interests of the government.

## VII ISSUANCE OF RELEASE FROM EMPLOYMENT

Each employee whose resignation has been accepted shall be issued Form OP-15, "Release from Employment," by the appropriate personnel office, upon request from the employee.

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RESIGNATIONS

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Personnel  
Employment  
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#### VIII INFORMATION FOR EMPLOYEES AT TIME OF RESIGNATION

Employees who resign should be furnished the following information by their immediate supervisors:

A Sick Leave - Any accrued sick leave standing to an employee's credit at the time of resignation may be recrated to him if he reenters the Government service within 90 days after his resignation. Such accrued sick leave is forfeited, however, after a break in service of more than 90 days.

B Retirement

1 If the employee has less than five years of Government service, he may receive a refund of the retirement deductions, less a "tontine" charge of \$1.00 per month. (See paragraph 3 below.) Unless such an employee expects to again enter the Federal Service at a later date, he should apply for the refund, inasmuch as the amount will not accrue interest.

2 If an employee has five years or more of Government service, he may if he desires receive a refund for only that part of his net deductions (see paragraph 3 below) made prior to January 24, 1942, the date of the amendment to the Retirement Act. However, it is almost always to his advantage to leave all of the deductions in the fund, in order that the service may count toward his future annuity. Deductions remaining in the Retirement Fund to the credit of an employee who has been separated after five or more years of service will accrue interest at  $3\frac{1}{2}\%$  compounded annually. At the age of 62, the employee will receive an annuity, paid in monthly installments, as long as he lives. The annuity will be based on the number of years he was employed, except that service for which a refund of deductions has been made will not count unless the employee redeposits the amount of the refund with interest from the date he reentered Government service. In the types of resignations outlined in paragraphs 3a and 3b below, a reduced annuity is payable at age 55.

3 The "tontine" (amounting to \$1.00 per month) will be included in the refund if the employee was "involuntarily separated" other than for cause. Tontine is included in the refund in the following types of resignations:

a An employee who has received his separation notice because of liquidation or abolishment of his agency or because

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RESIGNATIONS

(VIII B 3 a)

of selection from an approved separation register in a reduction in force, resigns his position prior to the scheduled effective date of separation.

b The employee resigns solely because he is unable, for family or other personal reasons, to transfer to a new location. In this case, the transfer may be required because:

- (1) The employee's agency or office has moved to the new location; or
- (2) The employee is offered a position in another location after being displaced by reduction in force, or for administrative reasons.

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